



San Diego City Attorney **MICHAEL J. AGUIRRE**

NEWS RELEASE

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CITY ATTORNEY OPINES THAT U.S. SUPREME COURT DECISIONS STRENGTHEN THE CASE AGAINST PROPOSITION A

San Diego, CA: Two U.S. Supreme Court decisions regarding the display of the Ten Commandments on government property contain principals that are significant to Proposition A, the ballot measure that asks City voters to approve the transfer of the Mt. Soledad Cross and Memorial property to the federal government. In both cases, the U.S. Supreme Court stressed the importance of considering the historical, analytical, and physical context in which such religious-based exhibitions occur when determining their Constitutionality.

According to City Attorney Michael Aguirre, the U.S. Supreme Court's decisions confirm his earlier opinion that the presence of the Mt. Soledad cross on public land is violative of the U.S. Constitution. It also strengthens the position of Proposition A opponents who claim that the motivation for transferring the Mt. Soledad Memorial property is primarily to save a religious symbol that conveys a religious message.

"In San Diego, we have a 2002 Ninth Circuit Court of Appeals en ban panel decision that is clear that the land sale agreement we previously had was in violation of the U.S. Constitution because it benefited parties who intended to maintain the cross on the property," said City Attorney Aguirre. "Today's U.S. Supreme Court ruling is a mandate to abide by the decision of the Ninth Circuit Court of Appeals."

In the case that originated in Texas, the U. S. Supreme Court held that the display of the Ten Commandments monument on the State capitol grounds in Austin did not violate the First Amendment of the U.S. Constitution because the purpose of the display was to represent different strands of Texas political and legal history. However, in the case that originated in Kentucky, the U.S. Supreme Court held that the placement of Ten Commandments monuments in two county courthouses violated the First Amendment of the U.S. Constitution because the factual context demonstrated that the displays were clearly religious and did not have any historical or analytical purpose.

City voters go to the polls on July 26th. If Proposition A passes, City Attorney Aguirre states the matter will remain in litigation and cost taxpayers hundreds of thousands of dollars.

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